

**PUBLIC LAW 102-484 [H.R. 5006]; October 23, 1992**  
**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1993**  
**Subtitle E--Defense Nuclear Workers**

Public Law 102-484, was passed by the Congress on October 23, 1992 as the National Defense Authorization Act of 1993. Subtitle E contained three sections, 3161, 3162 and 3163, which were pertinent to DOE and the title and general purpose statement of each section is found below. In particular, Section 3162 directs the DOE to set up a current and former workers medical monitoring program. The Former Workers Program (FWP) is a direct result of Section 3162.

**SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORK FORCE RESTRUCTURING PLAN**

(a) In General.--Upon determination that a change in the work force at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the "Secretary") shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account--

- (1) the reconfiguration of the defense nuclear facility; and
- (2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.

**Sec. 3162 - PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.**

(a) IN GENERAL.--The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

**SEC. 3163. DEFINITIONS**

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**Sec. 3162 - PROGRAM TO MONITOR DEPARTMENT OF ENERGY WORKERS  
EXPOSED TO HAZARDOUS AND RADIOACTIVE SUBSTANCES.**

**(a) IN GENERAL**

The Secretary shall establish and carry out a program for the identification and on-going medical evaluation of current and former Department of Energy employees who are subject to significant health risks as a result of the exposure of such employees to hazardous or radioactive substances during such employment.

**(b) IMPLEMENTATION OF PROGRAM**

- 1.) The Secretary shall, with the concurrence of the Secretary of Health and Human Services, issue regulations under which the Secretary shall implement the program. Such regulations shall, to the extent practicable, provide for a process to: --
  - A. identify the hazardous substances and radioactive substances to which current and former Department of Energy employees may have been exposed as a result of such employment-,
  - B. identify employees referred to in subparagraph (A) who received a level of exposure identified under paragraph (2)(B);
  - C. determine the appropriate number, scope, and frequency of medical evaluations and laboratory tests to be provided to employees who have received a level of exposure identified under paragraph (2)(B) to permit the Secretary to evaluate **fully** the extent, nature, and medical consequences of such exposure;
  - D. make available the evaluations and tests referred to in subparagraph (C) to the employees referred to in such subparagraph;
  - E. ensure that privacy is maintained with respect to medical information that personally identified any such employee-, and
  - F. ensure that employee participation in the program is voluntary.

2.)

- A. In determining the most appropriate means of carrying out the activities referred to in subparagraphs (A) through (D) of paragraph (1), the Secretary shall consult with the Secretary of Health and Human Services under the agreement referred to in subsection (c).
    - B. The Secretary of Health and Human Services, with the assistance of the Director of the Centers for Disease Control and the Director of the National Institute for Occupational Safety and Health, and the Secretary of Labor shall identify the levels of exposure to the substances referred to in subparagraph (A) of paragraph (1) that present employees referred to in such subparagraph with significant health risks under Federal and State occupational, health, and safety standards,
  - 3.) In prescribing the guidelines referred to in paragraph (1), the Secretary shall consult with representatives of the following entities:
    - A. The American College of Occupational and Environmental Medicine
    - B. The National Academy of Sciences
    - C. The National Council on Radiation Protection
    - D. Any labor organization or other collective bargaining agent authorized to act on the behalf of employee of a Department of Energy defense nuclear facility.
  - 4.) The Secretary shall provide for each employee identified under paragraph (1) (D) and provided with any medical examination or test under paragraph (1)(E) to be notified by the appropriate medical personnel of the identification and the results of any such examination or test. Each notification under this paragraph shall be provided in a form that is readily understandable by the employee.
  - 5.) The Secretary shall collect and assemble information relating to the examinations and tests carried out under paragraph (1)(E).
  - 6.) The Secretary shall commence carrying out the program described in this subsection not later than I year after the date of the enactment of this Act.
- (c) **AGREEMENT WITH SECRETARY OF HEALTH AND HUMAN SERVICES.** -- Not later than 180 days after the date of the enactment of this Act, the Secretary shall enter into an agreement with the Secretary of Health and Human Services relating to the establishment and conduct of the program required and regulations issued under this section.

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**SEC. 3161. DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES  
WORK FORCE RESTRUCTURING PLAN**

- (a) In General.--Upon determination that a change in the work force at a defense nuclear facility is necessary, the Secretary of Energy (hereinafter in this subtitle referred to as the "Secretary") shall develop a plan for restructuring the work force for the defense nuclear facility that takes into account--
  - (1) the reconfiguration of the defense nuclear facility; and
  - (2) the plan for the nuclear weapons stockpile that is the most recently prepared plan at the time of the development of the plan referred to in this subsection.
- (b) Consultation --
  - (1) In developing a plan referred to in subsection (a) and any updates of the plan under subsection (e), the Secretary shall consult with the Secretary of Labor, appropriate representatives of local and national collective-bargaining units of individuals employed at Department of Energy defense nuclear facilities, appropriate representatives of departments and agencies of State and local governments, appropriate representatives of State and local institutions of higher education, and appropriate representatives of community groups in communities affected by the restructuring plan.
  - (2) The Secretary shall determine appropriate representatives of the units, governments, institutions, and groups referred to in paragraph (1).
- (c) Objectives.--In preparing the plan required under subsection (a), the Secretary shall be guided by the following objectives:
  - (1) Changes in the work force at a Department of Energy defense nuclear facility--
    - (A) should be accomplished so as to minimize social and economic impacts;

## **SEC. 3163 DEFINITIONS**

For purposes of this subtitle:

(1) The term "Department of Energy defense nuclear facility" means--

(A) a production facility or utilization facility (as those terms are defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014)) that is under the control or jurisdiction of the Secretary and that is operated for national security purposes (including the tritium loading facility at Savannah River, South Carolina, the 236 H facility at Savannah River, South Carolina; and the Mound